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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,221	12/09/1999	MADAN MOHAN R. APPIAH	MSI-435US	3503

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EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/454,221

Applicant(s)

APPIAH ET AL.

Examiner

Stephan F Willett

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kathail et al. with Patent Number 5,802,365 in view of Cavill with Patent Number 6,003,069.

4. Regarding claim(s) 1-2, 14-17, 26-28, Kathail teaches determining driver compatibility. Kathail teaches receiving a driver identifier for a printer attached to the client by the client, col. 21, lines 48-49, col. 7, lines 4-15, and col. 6, lines 5-6 by hardware and software, col. 4-5, lines 66-1 and by "computer implemented steps", col. 55, line 7. Kathail teaches selecting a closest

matching driver, col. 21, lines 58-63. Kathail teaches installing the selected driver, col. 22, lines 19-23. Kathail teaches printing using the installed driver, col. 3, lines 41-42. Kathail teaches the invention in the above claim(s) except for explicitly teaching installing a print driver on the server side. In that Kathail operates to generate compatible drivers, the artisan would have looked to the software upgrade arts for details of implementing software compatibility. In that art, Cavill, a related network print driver, teaches "where diversion of the print data creation task away from the requesting computer might be desirable", col. 3, lines 38-40 in order to provide a driver for a server. Cavill specifically teaches "the server side driver subsystem also includes means for processing the print job", col. 4, lines 3-5, but "traditional NC printing model [is] ... that GUI models are known by platform already", col. 2, lines 20-22. . Print driver capability at the server is taught. Further, Cavill suggests that "the same print driver software can be used", col. 3, lines 53-54 will result from implementing his print sharing system. The motivation to incorporate server based printing insures that distributed processing in an open platform is supported. Thus, it would have been obvious to one of ordinary skill in the art to incorporate a server print driver as taught in Cavill into the driver update system described in the Kathail patent because Kathail operates with drivers and Cavill suggests that optimization can be obtained with print drivers based on a distributed server network. Therefore, by the above rational, the above claim(s) are rejected.

5. Regarding claims 3, 9, Kathail teaches driver names and versions, col. 10, lines 58-67. Thus, the above claim limitations are obvious in view of the combination.

6. Regarding claims 4, 29, Kathail teaches a library, col. 6, lines 59-62. Thus, the above claim limitations are obvious in view of the combination.

7. Regarding claims 5, 18, 21, 30, Kathail teaches same driver matching, col. 22, lines 40-41. Thus, the above claim limitations are obvious in view of the combination.
8. Regarding claims 6, 8, 19-20, 34, Kathail teaches different driver matching but one that corresponds with notification, col. 22, lines 59-60, 63-64. Thus, the above claim limitations are obvious in view of the combination.
9. Regarding claims 7, Kathail teaches checking device driver name changes by category, col. 23, lines 53-60. Thus, the above claim limitations are obvious in view of the combination.
10. Regarding claims 10-11, 22-23, 32-33, Kathail teaches driver matching but without regard to version, col. 23, lines 29-33. Thus, the above claim limitations are obvious in view of the combination.
11. Regarding claims 12-13, 24-25, Kathail teaches updating driver versions, col. 36, lines 10-14. Thus, the above claim limitations are obvious in view of the combination.
12. Regarding claims 31, Kathail teaches mapping drivers based on previous matches of devices, col. 9, lines 15-20. Thus, the above claim limitations are obvious in view of the combination.

Response to Amendment

1. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.
2. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments cannot be held as persuasive regarding patentability.

3. Applicant suggests "the applicant emphasizes that Kathail does not teach, or suggest, how to install a selected driver in a client/server computer system", Paper No. 7, Page 10, lines 16-17. Kathail's teachings are not mutually exclusive to PCs and a "computer system" reads on a network. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

4. Applicant suggests "to provide this interaction of effect printing between the client and the server, however, Cahill must provide great limitations on the printer driver", Paper No. 7, Page 11, lines 9-10. The great limitations are arguably further enhancements based on a reasonable interpretation based on the subject matter as a whole as would have been understood at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. However, more particularly, Cavill teaches independence as one of many solutions to the age old problem of interoperability, but clearly recognized the need for different drivers for printer systems as taught by "traditional NC printing model [is] ... that GUI models are known by platform already", col. 2, lines 20-22 and taught by Kathail. In addition, the other references also suggest selecting drivers in network environments, i.e. US Patent Number 5,580,177. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

5. Applicant's other arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the cited portions of the references and relevant portions of the reference.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested.

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

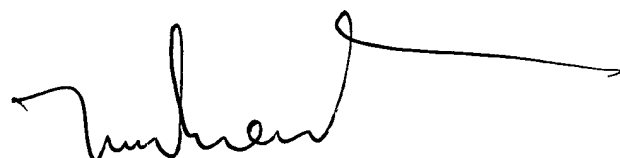
II. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

III. Any inquiry of a general nature or relating to the status of this application or proceeding

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should be directed to the receptionist whose telephone number is (703) 305-9605.

A handwritten signature in black ink, appearing to read 'Le Hien Luu', with a long horizontal stroke extending to the right.

LE HIEN LUU
PRIMARY EXAMINER